

### **REMARKS**

This responds to the Office Action mailed on November 16, 2005, and the references cited therewith.

Claims 15-22 are amended, claims 1-14 and 23-34 are canceled without prejudice; as a result, claims 15-22 are now pending in this application.

#### **Affirmation of Election**

Restriction to one of the following claims was required:

- I. Claims 1-14 and 29, drawn to a method of business, finance, or management comprising generic or non-electrical computing, classified in class 705, subclass 500.
- II. Claims 15-22, drawn to a method of business comprising electronic shopping (e.g., remote ordering), classified in class 705, subclass 26.
- III. Claims 23-26, drawn to a data processing apparatus comprising database or file accessing by means of sorting, classified in class 707, subclass 7.
- IV. Claims 27 and 28, drawn to a data processing apparatus comprising database or file accessing by means of distributed or remote access, classified in class 707, subclass 10.
- V. Claims 30 and 31, drawn to a networked electrical computer or digital processing system comprising interconnected networks, classified in class 709, subclass 218.
- VI. Claims 32 and 33, drawn to a networked electrical computer or digital processing system comprising remote server accessing, classified in class 709, subclass 219.
- VII. Claim 34, drawn to an electronic shopping system comprising an arrangement presenting a description of a sales item, classified in class 705, subclass 27.

As provisionally elected by Applicants' representative, **Garth Vivier**, on July 21, 2005, Applicants elect to prosecute the invention of Group II, claims 15-22.

The claims of the non-elected invention, claims 1-14 and 23-34, are hereby canceled without prejudice. However, Applicants reserve the right to later file continuations or divisionals having claims directed to the non-elected inventions.

### Claim Objections

Claims 15-22 were objected to due to informalities. Applicants have amended claims 15-21 in accordance with the Examiner's suggestions included in the Office Action. Furthermore, Applicants have amended claim 22 so as to remain consistent with the spirit of the Office Action and believes that all claims 15-22 are now in allowable form. Accordingly, Applicants respectfully assert that the objections are no longer appropriate and should be withdrawn.

### §102 Rejection of the Claims

Claims 15-22 were rejected under 35 U.S.C. § 102(a) for anticipation by Spiegel et al. (U.S. 6,466,918). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference. Applicants respectfully traverse this rejection for the reasons stated below.

Applicants respectfully submit that Spiegel et al. does not disclose or describe every element of claim 15. In particular, Applicants cannot find in Spiegel et al. any disclosure or description of a method of "identifying at least one frequently used search term associated with the identified division; and providing a link to the user to listings associated with the at least one frequently used search term," as currently recited in claim 15. Spiegel et al. apparently describes identifying a node (i.e., category) in a "browse tree" that is ascertained as "popular" based on some criteria. (*See* Spiegel et al. at col. 6, lines 5-29). However, Spiegel et al. apparently does not describe identifying frequently used *search terms* and providing links to listings that are associated with these search terms. Thus, because Spiegel et al. does not disclose or describe every element in claim 15, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(a) rejection.

Claims 16-24 depend from claim 15, either directly or indirectly, and are therefore believed to be patentable at least for the foregoing reasons. Thus, Applicants respectfully request withdrawal of the basis of rejection of these claims.

Moreover, although Applicants have responded to a perceived interpretation of the reference, Applicants note that the Office Action did not cite specific portions of the reference, in this case Spiegel et al., which particularly support the Office Action's assertions. Applicants cannot be expected to guess or infer what or how the Examiner is interpreting and relying on Spiegel et al. Accordingly, re-consideration of this claim and allowance or specific reasons for its rejection is respectfully requested prior to any Final Office Action.

In requesting clarification of these rejections, Applicants rely on 37 C.F.R. § 1.104(c)(2), which states:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Applicants submit that Spiegel et al. is complex and may show or describe inventions other than that claimed by the Applicants. Thus, Applicants respectfully request further specificity.

### CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

LEONARD ROBERT SPEISER ET AL.

By their Representatives,

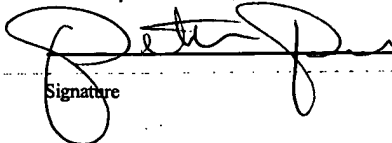
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Date 01/27/06

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of January, 2006.

Peter Robuffoni  
Name

  
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